(7) It may be objected that this evil of commercialised vice is not prevalent enough to call for a legal measure. The objection can only be made by those who are not familiar with the real state of things in the Mysore State in these matters. While it is not prevalent to the extent that it is elsewhere, why need we wait for a state of things to be reached, which reformers and politicians in these places find to be utterly baffling?

(8) Some may object that this Bill will affect the Devadasis. Certainly, one of the effects will be to promote marriage among them. This is happening in Madras with very good effect.

REGULATION No. / OF 193 .

A Regulation to enforce Legislation Suppressing Prostitution in the State of Mysore.

Whereas it is expedient to enforce the law regarding prostitution in the State of Mysore, it is hereby enacted as follows:—

SHORT TITLE.

1. (*a*) This Regulation may be called the Mysore Prevention of Prostitution Regulation of 193 .

EXTENT.

(*b*) This Section, Section 6, Section 8 (*c*), Section 9, and Section 12 shall extend to the whole of the Mysore Province. The rest of this Regulation shall extend in the first instance to the cities of Bangalore and Mysore, but the Government may, by notification, extend to any other local area all or any of its provisions, with such verbal modifications as, having regard to the principles of this Regulation, may be necessary for the purposes of such extension.

DEFINITIONS.

2. In this Regulation, unless there is anything repugnant in the subject or context—

'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof

habitually allows to be used by any other person for the purposes of prostitution;

'Place of public amusement' shall mean any place, enclosure, building, tent, booth, or other erection, whether permanent or temporary, where music, singing, dancing, or any diversion or game, or the means of carrying on the same is provided, and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and shall include a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium or fencing school;

'Place of public entertainment' shall mean any place, whether enclosed or open, to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place, and shall include a refreshment room, eating house, coffee house, liquor house, boarding house, lodging house, hotel, tavern, or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop.

'Prostitution' means indiscriminate sexual intercourse for hire.

'Magistrate' means a City Magistrate or a Stipendiary Magistrate of the First Class.

SOLICITATION.

3. Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not;

(*a*) by words, postures, wilful and indecent exposure of his or her person, or otherwise, attracts or endeavours to attract attention for the purpose of prostitution or;

(*b*) solicits or molests any other person or loiters for the purpose of prostitution shall be punished with imprisonment for a period or term which may extend to three months, or with fine which may extend to one hundred rupees.

PROSTITUTION IN PLACES OF PUBLIC AMUSEMENT.

4. Whoever being the owner, keeper, landlord or manager of any place of public amusement or entertainment,

knowingly permits prostitutes or persons of notoriously bad character, for the purpose of their trade to meet or remain in such place shall be punished with fine which may extend to one hundred rupees.

LIVING ON THE EARNINGS OF PROSTITUTION.

5. (*a*) Any person over the age of sixteen who knowingly lives, wholly or in part, on the earnings of prostitution of another person shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

Presumption Thereof.

(*b*) Where a person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

PROCURATION.

6. Any person who procures or attempts to procure or causes to procure any woman or girl, whether with or without her consent, to become a prostitute, or who, with intent that she may for the purposes of prostitution become the inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees, or with whipping, or with any two of those punishments.

IMPORTING WOMAN OR GIRL FOR PROSTITUTION.

7. Any person who brings or attempts to bring or causes to be brought into any town or city in the State any girl or woman, with a view to her becoming a prostitute, shall be punished with imprisonment which may extend to three years, or with fine which may extend to one thousand

rupees, or with whipping, or with any two of those punishments.

(*a*) Where a Magistrate empowered under this Regulation has reason to believe from a report made to him by a Police Officer, or otherwise, that a girl apparently under the age of 18 years is living or is carrying on or is being made to carry on the business of a prostitute in a brothel, disorderly house, or place of assignation, he may issue an order to a Police Officer not below the rank of an Inspector specially authorised in writing in this behalf by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation and to remove therefrom such girl; and thereupon such Police Officer shall have the power to enter into such brothel, disorderly house, or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house, or place of assignation.

Commitment to Suitable Custody.

(*b*) A girl who has been so removed shall be brought before a Magistrate empowered under this Act, and the Magistrate shall cause an inquiry to be made and if satisfied that the girl is under 18 years of age and that she should be dealt with as therein provided, may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing, shall consider suitable, provided that as far as possible such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

Intermediate Custody of the Girl removed from Brothel, etc.

(*c*) When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of Sub-Section (*a*) of this section, the Inspector-General of Police in Mysore or any other Police Officer carrying out the removal shall, until such girl can be brought before the court, cause her to be detained in a rescue home provided, aided, or recognised by the Government or in such other suitable custody (other than police station or jail), provided

that, as far as possible, such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

UNLAWFUL DETENTION FOR PROSTITUTION.

8. (*a*) Whoever detains any woman or girl against her will,

(i) in any house, room, or place, in which the business of a common prostitute is carried on, or

(ii) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether any particular man or generally

shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

Presumption Thereof.

(*b*) Where a woman or girl is in any house, room, or place in which the business of a common prostitute is carried on, or is in or upon any premises for the purpose of having sexual intercourse referred to in sub-clause (ii), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceeding if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.

Bar of Certain Legal Proceedings.

(*c*) No civil suit shall lie, and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises,

for the recovery of any wearing apparel, personal ornaments, or other property, alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.

PUNISHMENT FOR KEEPING A BROTHEL OR ALLOWING PREMISES TO BE USED AS A BROTHEL.

A

9. Any person who—

(*a*) Keeps or manages or acts or assists in the management of a brothel; or

(*b*) Being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(*c*) Being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that the same, or any part thereof, may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees.

Punishment for Subsequent Offence.

B

Any person who, having been convicted of an offence punishable under Section A, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may, in addition to such punishment, be required by the court to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the court may direct and in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to the punishment awarded in respect of his office.

APPENDIX G—*contd.*

Determination of Tenancy of Premises on Conviction for Permitting Use as a Brothel or for Purposes of Habitual Prostitution.

C

(*a*) On conviction of the tenant, lessee or occupier of any offence under Section A, clause (*b*), the landlord or lessor shall be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him, to some person approved by the landlord or lessor which approval shall not be unreasonably withheld, and in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any part to such lease or contract accruing before the date of such determination.

(*b*) If the landlord or lessor determines a lease or contract of tenancy under the provisions of Sub-Section (*a*), the court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to the landlord or lessor within such time not being less than seven days as the court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Crimnal Procedure for service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.

(*c*) If the landlord or lessor, after he has received notice in writing of such conviction fails to exercise his rights under Sub-Section (*a*) and consequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

(*d*) Where a landlord or lessor determines a lease or other contract under this section and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the

provisions of this section and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purpose of this section, to have been committed during the subsistence of the previous lease or contract.

ARREST WITHOUT WARRANT.

10. (*a*) Any Police Officer, not below the rank of an Inspector, on information, and if the offence is committed in his view, any Police Officer specially authorised in this behalf by the District Magistrate, may arrest without a warrant any person committing an offence punishable under Section 3.

(*b*) Any Police Officer, not below the rank of an Inspector, may, without an order from a Magistrate and without warrant, arrest any person who has been concerned in an offence punishable under Section 8, or against whom a reasonable complaint has been made, or credible information has been received, of his having been concerned in an offence under Section 9, Sub-Section (*c*).

POWER TO ENTER PREMISES.

11. Any Police Officer, not below the rank of an Inspector, authorised in this behalf by the District Magistrate by special order, may, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7, 8 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under Sections 5, 6, 7 or 8 has been committed.

OFFENCES TRIABLE BY CERTAIN MAGISTRATES ONLY.

12. Offences punishable under Sections 5, 6, 7 or 8 shall be triable by the Courts of Session, City Magistrates and Stipendiary Magistrates of the First Class only.

Statement of Objects and Reasons of the Bill.

At present, there is no special law in the State to suppress prostitution. There is a considerable volume of public opinion in the country desirous of introducing legislation in this important matter. Hence this Bill is prepared for the acceptance of the Legislative Bodies of Mysore.

APPENDIX G—*contd.*

The Bill contains the following provisions :—

Section 1.—(*a*) Describes the title of the Regulation.

(*b*) Describes the area where the different provisions of the Bill will be in operation and also describes the power to be reserved to Government about the extension of the different provisions of the Bill from time to time in different parts of the State.

Section 2.—Definition of the various terms used in the Bill is given.

Section 3.—Provides punishment to persons who allure persons for purposes of prostitution by different gestures.

Section 4.—Provides punishment to those who entertain prostitutes in places of amusement.

Section 5.—Provides punishments to persons who abet prostitution and also live on the earnings of prostitutes kept by them for business.

Section 6.—Provides punishment to persons who procure or cause to procure girls or women for employing them as prostitutes.

Section 7.—Provides punishment to persons who import females for employing them as prostitutes.

(*a*) Empowers Magistrates to issue orders for the removal of minor girls from brothels.

(*b*) Empowers Magistrates to order the keeping of minor girls in rescue homes or in the custody of desirable persons until they attain the age of 21.

(*c*) Provides authority to Police Officers to keep the rescued girls either in rescue homes or in the custody of desirable persons until they are produced before Magistrates.

Section 8.—Provides punishment to persons who detain females without their consent for the purposes of making them to lead lives of porstitutes under them.

Section 9.—Protects females from the keepers of brothels by exonerating them from the liability of serving under their keepers in obedience to a contract that had been entered into accepting some consideration.

APPENDIX G—*concld.*

(*a*) Provides punishment for keeping a brothel or for allowing any premises to be used as a brothel.

(*b*) Provides enhanced scale of punishment to habitual offenders.

(*c*) Provides for the determination of tenancy of premises on conviction for permitting use as a brothel or for purposes of habitual prostitution.

Section 10.—Provides for arrest of persons guilty of the offences provided in Sections 3, 8 and 9, Sub-Section (*c*) of the Bill without warrant.

Section 11.—Empowers certain officers to enter, without previous sanction of duly qualified authorities, any premises for the purpose of ascertaining whether offences relating to Sections 5, 6, 7 or 8 of this Regulation are committed in those places.

Section 12.—States by what Magistrates the offences under this Regulation are triable.